

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America

v.

JASON GENTZKE

Case No. 14-M- 79

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/27/2014 in the county of Erie in the Western District of New York, the defendant violated 18 U. S. C. § 1038(a)(1), an offense described as follows:

intentionally conveying false and misleading information, under circumstances where such information may reasonably have been believed, that indicated that an activity was taking and would take place that would constitute a violation of 18 U.S.C. § 844(f)(1), specifically, that a building possessed by and leased to the United States and an agency of the United States would be maliciously damaged by means of an explosive.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Matthew J. Ploskunak, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/28/2014*Judge's signature*City and state: Buffalo, New York

H. KENNETH SCHROEDER, JR., Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

MATTHEW J. PLOSKUNAK, being duly sworn, deposes and states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), in Buffalo, New York, and have been employed in this capacity for approximately 3 years. I am a licensed attorney in Pennsylvania. Between 2003 and 2010, I was a commissioned officer with the United States Army, Pennsylvania Army National Guard. As an army officer, I deployed to Iraq and participated in interviews suspected of counterinsurgency operations against the U.S. armed forces and the Iraqi Police. In 2012, I completed the FBI New Agents Training Program at the FBI Academy in Quantico, Virginia. As a Special Agent with the FBI, I have investigated a range of federal violations primarily focusing on national security matters. I have participated in numerous investigations of national security and criminal matters involving the use of physical and electronic surveillance, telephone toll analysis, financial records analysis, investigation interviews, and the execution of search warrants. I have interviewed confidential human sources, suspected terrorists, and criminals. Through training, education, and experience I have become familiar with the manner in which terrorists and criminals use telephones, cellular telephone technology, email and other internet-related communication media, false or fictitious identities and other means to facilitate their illegal activities and thwart law enforcement investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause, and as such I have not included details of every aspect of this investigation. I am thoroughly familiar with the information contained in this affidavit, either through personal investigation, or through discussions with other law enforcement officers who interviewed individuals, or personally obtained information, which they, in turn, have reported to me.

3. I make this Affidavit in support of a Criminal Complaint charging Jason Andrew GENTZKE with intentionally conveying false and misleading information, under circumstances where such information may reasonably have been believed, that indicated that an activity was taking and would take place that would constitute a violation of 18 U.S.C. § 844(f)(1), specifically, that a building possessed by and leased to the United States and an agency of the United States would be maliciously damaged by means of an explosive, in violation of Title 18, United States Code, Section 1038(a)(1).

4. On May 27, 2014 at approximately 8:20 am, GENTZKE pulled into the parking lot of the Armed Forces Recruiting Center at 2820 Sheridan Drive, Tonawanda, New York, which is leased by the U.S. Army Corps of Engineers. GENTZKE was approached by Employee 1, an employee at the recruiting center who asked GENTZKE if Employee 1 could be of assistance and where GENTZKE lives. GENTZKE replied that it depends on Employee 1's definition. Employee 1 ended the conversation and continued to watch GENTZKE through the window of the recruiting station. Employee 1 watched GENTZKE open a hard style suitcase on the sidewalk outside of Employee 1's window. GENTZKE left the suitcase open on the sidewalk and sat in the passenger side seat of his vehicle for approximately 30 seconds. Employee 1

could see inside the open suitcase and saw some electronics, cords or wires contained inside. After approximately 30 seconds, GENTZKE got out of the car, walked over to the case, closed it and he lied down on the sidewalk for approximately 5 to 10 minutes. GENTZKE then got up off the sidewalk, grabbed the case and entered the Marine recruiting office. GENTZKE spoke with another employee, Employee 2, with the conversation ending with "give me 100 reasons for someone to die and I will give you a hundred reasons for them to live" and "these are all my worldly possessions go ahead and take a look at it" as he threw the case into the office.

5. Employee 2 explained that at approximately 8:30 am, Employee 2 encountered GENTZKE in the office area of the recruiting office. Employee 2 had heard a few thumps coming from outside of his office and investigated the sound. GENTZKE entered the main door, walked down a hallway and made a sharp turn to the location where Employee 2 encountered him. Employee 2 described GENTZKE as very distraught. Employee 2 saw a brown hardshell luggage piece on the ground almost directly in the center of the recruiting office. Employee 2 was trained as an engineer and initially thought the luggage piece could be a potential threat and that it did not belong there. Employee 2 asked GENTZKE his name to which GENTZKE replied, "pick a name I'm anybody." GENTZKE also said, "I've already spoken to God and you need to tell me why everyone deserves to die and I'll tell you why everyone deserves to live." Employee 2 asked GENTZKE what that meant and GENTZKE started to cry even more and left the office very quickly. GENTZKE left the suitcase in the office. Employee 2 then looked at the luggage to inspect for any wires and told the other recruiters that they needed to get out of the building. The Army recruiters in a neighboring office were notified to also evacuate.

6. Around this time, at approximately 8:30 a.m., Employee 3 called 911 to report the presence and activities of GENTZKE in the Recruiting Center office.

7. On May 27, 2014 at approximately 8:41 a.m., Officer 1 from the Tonawanda Police Department, observed a white male matching the description of Jason GENTZKE on Sheridan Drive across the street from the Good Shepherd Lutheran Church located at 2669 Sheridan Drive, Tonawanda, New York. Officer 1 initiated emergency lights on his vehicle and approached GENTZKE. GENTZKE was not wearing a shirt or shoes, and had his khaki pants rolled up over his knees. Without being given commands, GENTZKE immediately walked in front of the police car, dropped to his knees and placed his hands behind his head. Officer 1 asked GENTZKE where he was coming from, to which GENTZKE stated that he was coming from the military recruiting center where he was trying to enlist in the Navy. GENTZKE stated that he became upset at the recruiting center personnel and threw his suitcase at the U.S. Marine Corps' door and fled the scene on foot. Officer 1 asked GENTZKE where his clothing was, to which GENTZKE stated that he placed his clothing in front of the church and had begun to pray. When asked what was inside the suitcase, GENTZKE replied, "It isn't explosives but it will hurt people if they open it." GENTZKE continued to ask police officers, "Are you afraid?" and "What time is it?" GENTZKE also made several remarks about God.

8. After the building containing the Armed Forces Recruiting Center at 2820 Sheridan Drive, Tonawanda, New York was evacuated, the Erie County Bomb Squad inspected the suitcase that GENTZKE had thrown in the Recruiting Center's office and discovered that the suitcase

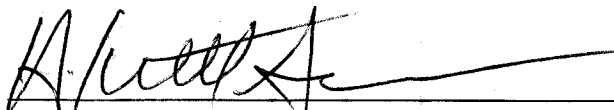
contained a powerstrip cord, a fish tank filter, and other materials and was not an explosive device.

WHEREFORE, based on the foregoing, I respectfully submit that probable cause exists to believe that on or about May 27, 2014, in the Western District of New York, Jason Andrew GENTZKE did intentionally convey false and misleading information, under circumstances where such information may reasonably have been believed, that indicated that an activity was taking and would take place that would constitute a violation of 18 U.S.C. § 844(f)(1), specifically, that a building possessed by and leased to the United States and an agency of the United States would be maliciously damaged by means of an explosive, in violation of Title 18, United States Code, Section 1038(a)(1).



Matthew J. Ploskunak
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
on this ~~26th~~ day of May, 2014.



HON. H. KENNETH SCHROEDER, JR.
United States Magistrate Judge